

By: Ellis

H.B. No. 2620

A BILL TO BE ENTITLED

AN ACT

relating to the civil liability of certain chiropractors and others who participate in peer review.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter F, Chapter 201, Occupations Code, is amended by adding Section 201.256 to read as follows:

Sec. 201.256. IMMUNITY FROM CIVIL LIABILITY. (a) The following are immune from civil liability:

(1) a person who, in good faith, reports or furnishes information to a peer review committee or the board;

(2) a member, employee, or agent of the board or of a peer review committee who takes an action or makes a recommendation within the scope of the functions of the board or committee, if that member, employee, or agent acts without malice and in the reasonable belief that the action or recommendation is warranted by the facts known to that person;

(3) a member or employee of the board or any person who assists the board in carrying out its duties or functions provided by law; and

(4) a chiropractor who participates in the peer review of another chiropractor, if the chiropractor who participates in the peer review acts without malice and in the reasonable belief that the chiropractor's actions or recommendations are warranted by the facts known to that chiropractor.

1 (b) A cause of action does not accrue against a member,
2 agent, or employee of a peer review committee or against a health
3 care entity from any act, statement, determination, or
4 recommendation made, or act reported, without malice, in the course
5 of peer review.

6 (c) A person, peer review committee, or health care entity
7 that, without malice, participates in peer review or furnishes
8 records, information, or assistance to a peer review committee or
9 to the board is immune from any civil liability arising from that
10 act.

11 (d) A person or health care entity required under law to
12 report to the board may not be found liable in a civil action for
13 failure to report to the board unless the failure was committed
14 knowingly or wilfully, except that the appropriate state licensing
15 body may take action against a licensed person or entity for not
16 reporting as required.

17 SECTION 2. This Act takes effect September 1, 2003.

18 SECTION 3. The change in law made by this Act applies only
19 to the actions or recommendations of a person participating in a
20 peer review on or after the effective date of this Act. The actions
21 or recommendations of a person participating in a peer review
22 before the effective date of this Act are governed by the law in
23 effect on the date the peer review occurred, and the former law is
24 continued in effect for that purpose.